

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE NATIONAL RETIREMENT
FUND,

Plaintiffs,

-against-

SAFETY WEAR, INC. d/b/a MIDWEST LINEN &
UNIFORM SERVICE and JOHN DOES 1-10 (all other
trades or businesses under common control with SAFETY
WEAR, INC.),

Defendants.

23-cv-2718 (NSR)

DEFAULT JUDGMENT

This action having been commenced on March 31, 2023 by filing of a Complaint, and Plaintiffs Trustees of the National Retirement Fund (“Plaintiffs”) having served copies of the Summons and Complaint upon Defendant Safety Wear, Inc. d/b/a Midwest Linen & Uniform Service (“Defendant Safety Wear”), a Michigan corporation, on April 29, 2023 by personal service upon Mrs. Lourie Wish, an authorized agent of Defendant Safety Wear, and proof of such service having been filed with the Court on May 12, 2023, and Defendant Safety Wear not having appeared, answered, or otherwise moved with respect to the Complaint, and the time for appearing, answering or moving having expired, and the Court having issued its Order to Show Cause requiring Defendant Safety Wear to show cause before the Court why a Default Judgment should not be entered against Defendant Safety Wear, and the Court having held a hearing pursuant to the Order to Show Cause, and Defendant Safety Wear having failed to appear at the show cause hearing; it is

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NOW, THEREFORE, upon application of the Plaintiffs and upon reading the Affidavits of Galina Stiler, Esq., duly sworn the 8th day of June 2023, and the Certificate of Ruby J. Krajick, Clerk of Court, United States District Court for the Southern District of New York, noting the default of Defendant Safety Wear, for failure to appear, answer or otherwise move with respect to the Complaint, it is hereby,

ORDERED, ADJUDGED AND DECREED, that Plaintiffs have Judgment against Defendant Safety Wear for the delinquent contributions for the months of October 2019 through January 2020, and for the months of June 2020 through November 2020 in the principal amount of \$5,880.04; interest computed at one percent (1.00%) per month or part thereof on the delinquent contributions through the date of Judgment in the amount of \$2,302.75; and liquidated damages at an amount equal to the greater of interest due on the delinquent contributions or twenty percent (20.00%) of the principal amount of delinquent contributions due in the amount of \$2,302.75, all totaling \$10,485.54; and it is further

ORDERED, ADJUDGED AND DECREED, that Plaintiffs have Judgment against Defendant Safety Wear in the principal amount of \$487,338.90 for the withdrawal liability owed to Plaintiffs; interest thereon computed at one percent (1.00%) per month or part thereof on the withdrawal liability from October 1, 2021, the date of the first missed quarterly withdrawal liability payment, through the date of Judgment in the amount of \$102,341.17; and liquidated damages at an amount equal to the greater of the total interest due on the withdrawal liability or twenty percent (20.00%) of the withdrawal liability in the amount of \$102,341.17, all totaling \$692,021.24; and it is further

ORDERED, ADJUDGED AND DECREED, that Plaintiffs have Judgment against Defendant Safety Wear for costs of the instant action in the amount of \$402, for a total Judgment to Plaintiffs in the amount of \$702,908.78; and it is further

ORDERED, ADJUDGED AND DECREED, that Plaintiffs have Judgment against Defendant Safety Wear in favor of Plaintiffs if this Court does not find Safety Wear in default of its withdrawal liability, for injunctive relief or an Order requiring Safety Wear to pay timely all quarterly withdrawal liability installment payments that become due subsequent to the date this Court issues a judgment in this action, as they become due; and it is further

ORDERED, ADJUDGED AND DECREED that interest shall continue to accrue on the amount due under this Judgment at the legal rate as defined in 28 U.S.C. §1961 from the date of entry of this Judgment on July 21, 2023 until the Judgment is fully satisfied.

Dated: July 21, 2023
White Plains, New York

SO ORDERED:

A handwritten signature in dark ink, appearing to read 'Nelson S. Román', is written over a horizontal line.

Honorable Nelson S. Román
United States District Judge